

ORIGINAL

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI

Eugene Joseph Holliday)
(Full Name) (Register No.))
929 N. ROBBERSON)
SPRINGFIELD, MO. 65802)

Plaintiff(s),)
)
)
)

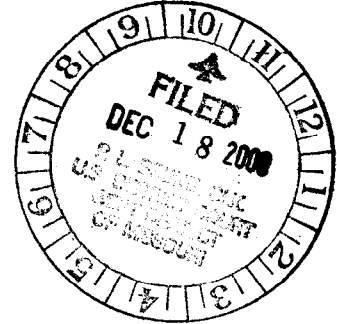
v.
Billy Simpson #2363 Polk County Deputy)
Polk County Sheriff's Dept. et al.)
Bolivar Police Dept. et al.)

(Full Name))

Missouri State Hwy Patrol Troop D et al.)
DAN BRACKER - JOHN S BICKERS)
C.C. MEYER - JOHN BISHOP)
TERRY MOORE)

Greene County Sheriff's Dept. et al.)

Defendant(s).)
)



No. _____

TO BE FILED

00-3514-CV-S-1-P

COMPLAINT UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

I. Place of present confinement of plaintiff(s): Greene County Jail
929 N. ROBBERSON SPRINGFIELD, MO. 65802

II. Parties to this civil action:

Please give your commitment name and any other name(s) you have used while incarcerated.

A. Plaintiff: Eugene Joseph Holliday Register No. N/A
Address: 929 N Robberson St.
SPRINGFIELD, MO. 65802

B. Defendant Billy Simpson #2363
is employed as Polk County Deputy Sheriff
at Polk County Sheriff's Dept. 113 E. Jefferson St.
Bolivar, mo.

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Defendants continued
see ATTACHED

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Defendant CONT.

Defendant Polk County Sheriffs Dept. AL,
is Employed AS Administration
AT 113 E. Jefferson St. Bolivar, mo.

Defendant Bolivar Police Dept. AL,
is Employed AS Administration
AT 345 S. Main Ave. Bolivar, mo.

Defendant Missouri State Hwy Patrol Troop D AL,
is Employed AS Administration
AT East Kearney St. Springfield, mo.

Defendant Dan Bracker
is Employed AS Missouri State Trooper
AT Troop D - East Kearney St. Springfield, mo.

Defendant John J. Bickers
is Employed AS Missouri State Trooper
AT Troop D - East Kearney St. Springfield, mo.

Defendant C. C. Meyer
is Employed AS Missouri State Trooper
AT Troop D - East Kearney St. Springfield, mo.

Continued
See Attached

Defendants CONT.

Defendant John Bishop
is employed AS Missouri State Trooper
AT Troop D - East Kearney St. Springfield, MO.

Defendant Terry Moore
is employed AS Missouri State Trooper
AT Troop D - East Kearney St. Springfield, MO.

Defendant Greene County Sheriff's Dept. AL,
is employed AS Administration
AT 929 N. Robberson St. Springfield, MO. 65802

For additional plaintiffs or defendants, provide above information in same format on a separate page.

- III. Do your claims involve medical treatment? Yes X No
- IV. Do you request a jury trial? Yes X No
- V. Do you request money damages? Yes X No
State the amount claimed. \$ OPEN / JURY actual punitive
- VI. Are the wrongs alleged in your complaint continuing to occur? Yes No
- VII. Grievance procedures:
- A. Does your institution have an **administrative or** grievance procedure? Yes No
Yes - ✓ No
- B. Have the claims in this case been presented through an administrative or grievance procedure within the institution? Yes No ✓
- C. If a grievance was filed, state the date your claims were presented, how they were presented, and the result of that procedure. (Attach a copy of the final result.)
N/A
- D. If you have not filed a grievance, state the reasons.
THIS ACTION IS AGAINST LAW ENFORCEMENT OFFICERS OUTSIDE THIS INSTITUTION. AT THE TIME OF MY ARREST. THEREFORE THIS DOES NOT APPLY.
- VIII. Previous cases:
- A. Have you begun other cases in state or federal courts dealing with the same facts involved in this case? Yes No ✓
- B. Have you begun other cases in state or federal courts for any other reason except to obtain habeas corpus relief? Yes No ✓
- C. If your answer is "yes." to either of the above questions, provide the following information for each case.
- (1) Style: N/A
(Plaintiff) (v.) (Defendant)
- (2) Date filed:
- (3) Court where filed: N/A
- (4) Case number and citation:
- (5) Basic claim made: N/A
- (6) Date of disposition:

- (7) Disposition: N/A
[(pending) (on appeal) (resolved)]
- (8) If resolved, state whether for: N/A
[(plaintiff) or (defendant)]

For additional cases, provide the above information in the same format on a separate page.

IX. Statement of claim:

- A. State here as briefly as possible the facts of your claim. Describe how each named defendant is involved. Include the names of other persons involved, dates and places. Describe specifically the injuries incurred. Do not give legal arguments or cite cases or statutes. You may do that in Item "B" below. If you allege related claims, number and set forth each claim in a separate paragraph. Use as much space as you need to state the facts. Attach extra sheets, if necessary. Unrelated separate claims should be raised in a separate civil action.

ON THURSDAY SEPTEMBER 28, 2000 AT APPROXIMATELY 16:00 HRS. I TURNED OFF SOUTH HWY. 13 ONTO POLK COUNTY ROAD - E-420, I TRAVELED ABOUT 50 FEET TO A SOUTH BOUND DRIVE-WAY, PULLED IN, THEN BACKED OUT ON ROAD E-420, I TRAVELED ABOUT 20 FEET WHEN I NOTICED FLASHING RED, AND WHITE LIGHT BEHIND MY VEHICLE. SO I PULLED MY VEHICLE TO THE RIGHT SHOULDER, AND STOPPED. I TURNED MY MOTOR OF THE VEHICLE OFF. A MAN APPROACHED MY VEHICLE, I ASSUMED HE WAS A LAW ENFORCEMENT OFFICER. HE ASKED ME WHAT I WAS DOING ON THAT ROAD. I THOUGHT THAT WAS A STRANGE QUESTION FOR HIM - BE ASKING. - STATEMENT OF CLAIM CONT. SEE ATTACHED

- B. State briefly your legal theory or cite appropriate authority:

MISSOURI SUPREME COURT RULING PASSED NOVEMBER 28, 2000 THAT DRUG CHECK POINTS ARE UNCONSTITUTIONAL, DEGREE OF FORCE VIOLATES 4TH AND 14TH ADAMENDMENT RIGHTS. OFFICERS ALSO VIOLATED MY 5TH + 14TH ADAMENDMENT RIGHTS TO DUE PROCESS. NO PROBABLE CAUSE FOR STOPPING ME.

- X. Relief: State briefly exactly what you want the court to do for you. Make no legal arguments.

I WANT MONEY DAMAGES AWARDED, ALL CHARGES THAT I'VE BEEN CHARGED WITH SINCE I WAS UNLAWFULLY STOPPED DISMISSED WITH PREJUDICE IN POLK, AND GREENE COUNTIES. SUE DEFENDANTS FOR VIOLATING MY RIGHTS, AND USE OF EXCESSIVE FORCE. ACTUAL / PUNITIVE DAMAGES,

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STATEMENT CLAIM CONTINUED:

ME. I HAD DONE NOTHING WRONG, BUT I ANSWERED THAT I PULLED OFF TO RELIEF MYSELF. HE THEN ASK FOR MY DRIVERS LICENSE. I TOOK OUT MY WALLET, AND GAVE HIM MY LICENSE. AT THAT TIME HE ALSO SAW MY SOCIAL SECURITY CARD, AND ASKED FOR IT, SO I GAVE IT TO HIM. HE THEN WANTED TO SEE MY VEHICLE REGISTRATION, AND PROOF OF INSURANCE. SO I OPENED THE GLOVE COMPARTMENT, TOOK OUT INSURANCE CARD, HANDED IT TO HIM. I THEN REMOVED THE PINK SLIP FROM GLOVE BOX, AND ASKED DO YOU WANT THIS TOO? HE SAID SIR STEP OUT OF THE VEHICLE. SO I STARTED TO PUT THE PINK SLIP BACK INTO THE GLOVE BOX, WHEN THIS MAN GRABBED ME BY MY SHIRT. STARTLED BY HIS ACTION, I STARTED THE VEHICLE'S MOTOR, AND TRIED TO PULL AWAY. HE THEN GRABBED MY STEERING WHEEL. HE RAN ALONG SIDE MY VEHICLE APPROXIMATELY 10 FEET, WHEN I HIT MY BRAKES, AND TOLD HIM TO LET GO. I DROVE AWAY. HE THEN RAN TO HIS CAR. AS I WAS TURNING BACK ONTO SOUTH HWY. 13, I NOTICED A SIGN.

CONTINUED

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DEGREE OF FORCE

I WAS TRAVELING ABOUT 10-20 MPH WHEN DAN BRACKER RAMMED MY VEHICLE AT A VERY HIGH RATE OF SPEED. JOHN BICKERS THEN SLAMMED HIS PATROL VEHICLE INTO THE DRIVERS SIDE OF MY VEHICLE, CAUSING IT TO SLID INTO A WENDY'S RESTURANT PARKING LOT, LOCATED ON KEARNEY AVE. I SHUT MY VEHICLES MOTOR OFF, STEPPED OUT WALKED TO THE FRONT OF MY VEHICLE. I WAS INJURED BY THE COLLISON. I BENT OVER LOOKING DOWN WHEN OFFICERS STARTED PILING ON TOP OF ME. SEVERAL KICKS, AND PUNCHES WERE DELIVERED BY THESE OFFICERS TO MY HEAD - NECK - UPPER BACK - LOWER BACK. ONE GREENE COUNTY DEPUTY PUT BOTH KNEES ALONG SIDE FACE, AND BEGAN KNEEING ME IN MY RIGHT SIDE OF MY FACE. ONE OFFICER DROPPED HIS KNEE INTO THE TOP OF MY RIGHT FOREARM, UNSURE WHO IT WAS. I WAS HAND-CUFFED, AND SEARCHED. NO DRUGS, OR WEAPONS WERE FOUND ON ME OR IN MY VEHICLE.

THIS CONCLUDES PART 2 OF MY CLAIM

XI. Counsel:

- A. If someone other than a lawyer is assisting you in preparing this case, state the person's name.

N/A

- B. Have you made any effort to contact a private lawyer to determine if he or she would represent you in this civil action? Yes ☒ -- No

If so, state the name(s) and address(es) of each lawyer contacted.

SPRINGFIELD MISSOURI BAR ASSOCIATION
33 PARK CENTRAL EAST, STE. 1010 - Springfield MO.
65804

If not, state your reasons.

N/A

- C. Have you previously had a lawyer representing you in a civil action in this court?

Yes

No ☒

If so, state the lawyer's name and address:

N/A

I declare under penalty of perjury that the foregoing is true and correct.

Executed (signed) this 6 day of December, 2000

Eugene J. Holliday

(Signature(s) of Plaintiff(s))